

REMARKS

Claims 1 - 16 are currently pending in this application. Claims 1 - 16 stand rejected. Claims 2, 9, and 13 are canceled herein. Claims 1, 3, 7, 8, 10, 11, 12, and 16 are amended herein to more clearly recite Applicants' invention. No new matter has been added by these amendments.

In response to the Office Action dated September 10, 2003, Applicants offer the following remarks.

In the Office Action the Examiner rejected claims 1 - 7 under 35 U.S.C. § 103(a) as being unpatentable over *Nielson et al.* In addition, the Examiner rejected claims 1 - 16 under 35 U.S.C. § 103(a) as being unpatentable over *Mackey et al.*, in view of either *Haut et al.* or *Bret et al.* Applicants respectfully traverse these rejections.

Regarding claims 8, 10 - 12, and 14 - 16, claim 8 has been amended herein to place that claim, as well as claims 10 - 12 and 14 - 16, in condition for allowance. Specifically, in the Office Action the Examiner set forth a proposed amended claim 1 that the Examiner stated patentably distinguished the present invention over the cited art. Claim 8, as amended, is identical to the Examiner's proposed claim. Thus, claim 8, as well as those claims that depend therefrom, are in condition for allowance.

Regarding claims 1 and 3 - 6, according to the Examiner *Nielson et al.* discloses spraying an absorbent paper product with a lotion by means of a stream of gas. *Nielson et al.* at least does not disclose, however, that the "lotion is a liquid at room temperature and is of the type comprising one or more emollient active substances as a dispersion or as an emulsion in a volatile liquid vehicle, wherein the proportion by weight of the volatile liquid vehicle is at least about 50%, by directly spraying the lotion on said paper

product by means of a stream of air under pressure so as to remove at least part of the volatile liquid vehicle in order to form and spray fine droplets of lotion, having a low proportion of volatile liquid vehicle, which are deposited on at least one face of the paper product,” as recited in amended claim 1. Instead, *Nielson et al.* teaches that the additive composition, i.e., the volatile liquid vehicle, is “substantially free” of solvent or water, such that the composition comprises less than 2% solvent or water by weight. Moreover, not only does *Nielson et al.* not disclose directly spraying the lotion on said paper product by means of a stream of air under pressure, *Nielson et al.* specifically teaches away from using air as the spraying medium. (*Nielson et al.*, p. 3, lines 1 - 15.) For at least these reasons, claim 1, as well as the claims that depend therefrom, are patentable over *Nielson et al.*

Regarding the rejection over *Mackey et al.*, in view of either *Haut et al.* or *Bret et al.*, the Examiner asserted that *Mackey et al.* discloses application of a lotion to absorbent tissue paper with a stream of gas, but requires that the lotion be sprayed at a temperature of 160°F. The Examiner further asserted that *Haut et al.* and *Bret et al.* each teach absorbent tissue paper products with a lotion having a melting point of about 5°C that is applied by means other than spraying. The cited prior art fails to disclose, however, that the “lotion is a liquid at room temperature and is of the type comprising one or more emollient active substances as a dispersion or as an emulsion in a volatile liquid vehicle, wherein the proportion by weight of the volatile liquid vehicle is at least about 50%, by directly spraying the lotion on said paper product by means of a stream of air under pressure so as to remove at least part of the volatile liquid vehicle in order to form and spray fine droplets of lotion, having a low proportion of volatile liquid vehicle,

which are deposited on at least one face of the paper product," as recited in amended claim 1. Specifically, *Mackey et al.* teaches that the additive composition, i.e., the volatile liquid vehicle, is "substantially free" of solvent or water, such that the composition comprises less than 5% solvent or water by weight. Moreover, *Mackey et al.* does not disclose directly spraying the lotion on said paper product by means of a stream of air under pressure. Neither *Haut et al.* nor *Bret et al.* remedy these deficiencies. Thus, for at least these reasons, claim 1, as well as the claims that depend therefrom, are patentable over the cited prior art.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 3 - 8, 10 - 12, and 14 - 16 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 3, 7, 8, 10, 11, 12, and 16 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, it is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art

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references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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